

**IN THE CLAIMS:**

1-12. (Canceled)

13. (Currently Amended) A method of isolating nucleic acids from biological compartments of a fluid sample comprising the steps of:

incubating the sample in a sample processing vessel with magnetic particles which magnetic particles are capable of binding with the biological compartments;

positioning at least one magnet towards the sample processing vessel to hold the magnetic particles against an inside wall of the sample processing vessel by magnetic force;

removing the remaining fluid, from which the biological compartments have been separated, from the sample processing vessel;

introducing a second fluid into the sample processing vessel;

resuspending the magnetic particles in the second fluid by eliminating the magnetic force which held the magnetic particles against the inside wall of the sample processing vessel, and shaking the sample processing vessel in the absence of the magnetic force;

thereafter lysing the biological compartments to form a lysis mixture; and

isolating the nucleic acids from the lysis mixture.

14. (Previously Presented) The method of claim 13, wherein essentially all of the magnetic particles have a diameter of 2.8  $\mu\text{m}$  to 200  $\mu\text{m}$ .

~~3~~ 15. (Previously Presented) The method of claim ~~2~~ 14, wherein the average magnetic particle size diameter is about 10  $\mu\text{m}$  to 15  $\mu\text{m}$ .

~~4~~ 16. (Previously Presented) The method of claim ~~13~~ 13, wherein the isolation step comprises immobilizing the nucleic acids on the magnetic particles.

~~5~~ 17. (Previously Presented) The method of claim ~~13~~ 13, wherein the nucleic acids to be isolated are transferred to another vessel which is configured to receive a pipette.

~~6~~ 18. (Previously Presented) The method of claim ~~13~~ 13, wherein the magnetic force is eliminated by separating by a sufficient distance the at least one magnet from the outside wall of the sample processing vessel.

~~7~~ 19. (Previously Presented) The method of claim ~~13~~ 13, wherein the magnetic force is eliminated by positioning a  $\mu$ -metal between the vessel and the at least one magnet.

~~8~~ 20. (Previously Presented) The method of claim ~~13~~ 13, wherein each magnet has a mass of about 0.5 g to about 5 g.

~~9~~ 21. (Previously Presented) The method of claim ~~13~~ 13, wherein each magnet has a mass of about 1 g to about 4 g.

<sup>10</sup>  
~~22.~~ (Previously Presented) The method of claim ~~13~~, wherein the processing vessel containing the sample is shaken during at least a portion of the incubation step to facilitate binding.

<sup>11</sup>  
~~23.~~ (Previously Presented) The method of claim ~~13~~, wherein the magnetic force is eliminated and the sample processing vessel is shaken simultaneously.

<sup>12</sup>  
~~24.~~ (Previously Presented) The method of claim ~~13~~, wherein the steps of positioning at least one magnet near an outside wall of the sample processing vessel such that it holds the magnetic particles against an inside wall of the sample processing vessel, removing the remaining fluid, from which the biological compartments have been separated, from the sample processing vessel, and resuspending the magnetic particles in a second fluid by eliminating the magnetic force which held the magnetic particles against the inside wall of the sample processing vessel, and shaking the sample processing vessel, are repeated until the biological compartments have reached a desired level of purity.

<sup>13</sup>  
~~25.~~ (previously presented) The method of claim ~~13~~, wherein the fluid sample is a body fluid.

<sup>14</sup>  
~~26.~~ (previously presented) The method of claim ~~13~~, wherein the fluid is blood, saliva or urine.

<sup>15</sup>  
~~27~~. (Previously Presented) The method of claim ~~13~~, wherein the nucleic acids are isolated by warming the lysis mixture for a sufficient period of time so as to lyse or partially or completely decompose cell walls of the biological compartments and release the nucleic acids contained in the biological compartments, and cooling the lysis mixture under conditions that make it possible to isolate or hybridize the nucleic acids to be isolated or detected.

<sup>16</sup>  
~~28~~. (Previously Presented) The method of claim <sup>15</sup>~~27~~, wherein the lysis mixture is warmed to a temperature above room temperature.

<sup>17</sup>  
~~29~~. (Previously Presented) The method of claim <sup>16</sup>~~28~~, wherein the lysis mixture is warmed to a temperature of about 70° to about 95 °C.

<sup>18</sup>  
~~30~~. (Previously Presented) The method of claim <sup>1</sup>~~13~~, wherein the nucleic acids are present in the sample reaction vessel throughout the removing, resuspending and lysing steps.

<sup>19</sup>  
~~31~~. (Previously Presented) The method of claim <sup>1</sup>~~13~~, wherein the removing, resuspending and lysing steps take place within a reaction block.

<sup>20</sup>  
~~32~~. (Previously Presented) The method of claim <sup>19</sup>~~31~~, wherein the reaction vessels remain in the reaction block during the removing, resuspending, and lysing steps.

~~21~~  
33. (Previously Presented) The method of claim ~~13~~, further comprising the step of detecting the nucleic acids.

~~22~~  
34. (Currently Amended) A method of isolating nucleic acids from biological compartments of a fluid sample comprising the steps of:

incubating the sample in a sample processing vessel with magnetic particles which magnetic particles are capable of binding with the biological compartments;

positioning at least one magnet towards the sample processing vessel to hold the magnetic particles against an inside wall of the sample processing vessel by magnetic force;

removing the remaining fluid, from which the biological compartments have been separated, from the sample processing vessel;

introducing a second fluid into the sample processing vessel;

resuspending the magnetic particles in the second fluid by eliminating the magnetic force which held the magnetic particles against the inside wall of the sample processing vessel, and shaking the sample processing vessel in the absence of the magnetic force;

thereafter lysing the biological compartments to form a lysis mixture; and

warming the lysis mixture; and

cooling the lysis mixture under conditions that make it possible to isolate or hybridize the nucleic acids to be isolated or detected.

<sup>23</sup>  
~~35.~~ (Previously Presented) The method of claim <sup>22</sup>~~34~~, further comprising shaking the sample processing vessel during the incubating to facilitate the binding of magnetic particles to the biological compartments.

<sup>24</sup>  
~~36.~~ (New) The method of claim <sup>1</sup>~~35~~, wherein the sample processing vessel has an opening at the bottom from which fluid can exit.